

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of CYNTHIA M. CARROLL, Minor.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

CHRISENA LOAR,

Respondent-Appellant,

and

STEVEN KOOY,

Respondent.

UNPUBLISHED

May 28, 1999

No. 212381

Dickinson Circuit Court

Family Division

LC No. 97-000520 NA

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In the Matter of BIONCA LOAR, Minor.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

CHRISENA LOAR,

Respondent-Appellant,

and

PAUL LOAR,

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No. 212382

Dickinson Circuit Court

Family Division

LC No. 97-000521 NA

Respondent.

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In the Matter of CHANDRA LOAR, Minor.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

CHRISENA LOAR,

Respondent-Appellant,

and

PAUL LOAR,

Respondent.

No. 212383  
Dickinson Circuit Court  
Family Division  
LC No. 97-000522 NA

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In the Matter of JEREMY CRIBB, Minor.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

CHRISENA LOAR,

Respondent-Appellant,

and

PAUL LOAR,

Respondent.

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No. 212384  
Dickinson Circuit Court  
Family Division  
LC No. 97-000523 NA

In the Matter of AUSTIN CRIBB, Minor.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

CHRISENA LOAR,

Respondent-Appellant,

and

JUSTIN CRIBB,

Respondent.

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No. 212385  
Dickinson Circuit Court  
Family Division  
LC No. 97-000524 NA

Before: Whitbeck, P.J., and Markman and O'Connell, JJ.

PER CURIAM.

In these consolidated cases, respondent appeals as of right an order terminating her parental rights to the minor children Cynthia Carroll (DOB: 6/27/89), Bionca Loar (DOB: 9/27/90), Chandra Loar (DOB: 12/12/91), Jeremy Cribb (DOB: 7/10/94), and Austin Cribb (DOB: 10/10/95) under MCL 712A.19b(3)(g); MSA 27.3178(598.19b)(3)(g). We affirm.<sup>1</sup>

MCL 712A.19b(3)(g); MSA 27.3178(598.19b)(3)(g), provides:

The court may terminate a parent's parental rights to a child if the court finds, by clear and convincing evidence, 1 or more of the following:

\* \* \*

(g) The parent, without regard to intent, fails to provide proper care or custody for the child and there is no reasonable expectation that the parent will be able to provide proper care and custody within a reasonable time considering the child's age.

Once the probate or family court finds statutory grounds for termination by clear and convincing evidence, termination is mandatory, unless the court finds that termination is clearly not in the children's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Hall-Smith*, 222 Mich App 470, 472; 564 NW2d 156 (1997). On appeal from termination of parental rights proceedings, this

Court reviews the probate or family court's findings of fact under the clearly erroneous standard. MCR 5.974(I); *In re Cornet*, 422 Mich 274, 277; 373 NW2d 536 (1985). A finding is clearly erroneous if this Court is left with a firm and definite conviction that a mistake has been made. *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

Our review of the record in this case indicates the following: (a) respondent has been involved with Protective Services since November, 1990; (b) respondent's two oldest children, Cynthia and Bionca, were removed from her in 1991 on the basis of concerns about her "inadequate supervision, failure to benefit from assistance, and her inappropriate physical discipline and mistreatment of the children"; (c) respondent's minor children were discharged from the court's jurisdiction in 1993 only because the family was moving out of state, although the family court "continued to have misgivings about Ms. Loar's ability to care for her children"; (d) after leaving Michigan for Georgia, Ms. Loar again became the focus of a child protective services investigation. Records from Georgia's Department of Family and Children's Services indicate that she was in the habit of "leaving her children unsupervised, making unrealistic child care demands on the older children, and maintaining a filthy, roach infested household"; (e) additional concerns expressed by Georgia authorities were Ms. Loar's "seeming lack of affection toward her children, extremely limited housekeeping skills, and inability to manage finances in order to keep food in the home, medicine for the children, or to avoid utility shut off"; (f) Ms. Loar's children were on the verge of being removed from her care by Georgia authorities when she returned to Michigan. Indeed, the suspicion has been voiced that "Ms. Loar moved in order to avoid the removal of her children"; (g) upon her return to Michigan, respondent was once again the focus of a protective services investigation on the basis of a referral from the Georgia authorities. Specifically, the concerns were that respondent-mother inadequately supervised her children; (h) the record is fraught with instances of injuries to the children because of Ms. Loar's failure to supervise them. Ms. Loar even failed to supervise her children during visits with the FIA worker. On one occasion, Jeremy fell down the basement stairs while the worker was in the home; (i) respondent often left her children unattended and unsupervised, and would leave eight-year old Cynthia in charge of her younger siblings, with the younger boys often found wandering about the neighborhood or playing unsupervised in dangerous areas; (j) according to the family court, respondent appears "preoccupied with her friends and associates, resulting in the failure to pay proper attention to the behavior and needs" of her children; and (k) Ms. Loar failed to benefit from a long list of services and programs to which she was referred. While respondent challenged some of these allegations below, we conclude that the basic factual findings of the trial court were amply supported by the record and were not clearly erroneous. *Miller, supra*.

On the basis of this record, the family court concluded that respondent has "failed to provide proper custody or care for her children, to their detriment." It stated further:

[T]here is no reasonable expectation that Ms. Loar will be able to provide proper care and custody within a reasonable time considering the ages of her children. She has, over a period of years, failed to provide these children proper care, nurturing, supervision and custody. There is no reason to expect, after all available intervention services have failed, that anything will change in the reasonably foreseeable future . . . all

service providers agree that Ms. Loar has received every program the area has to offer. It is apparent from the evidence adduced at the trial of this matter that Ms. Loar has failed to benefit from those services over a long period of time. Despite the plethora of intervention services, Ms. Loar has failed to make any progress whatever over a period of approximately eight years, since the deficiencies in her parenting today are substantially identical to those which have existed for this entire period.

In our judgment, the family court did not clearly err in finding that the statutory ground for termination under MCL 712A.19b(3)(g); MSA 27.3178(598.19b)(3)(g) was established by clear and convincing evidence. MCR 5.974(I); *Miller, supra*. Further, respondent does not specifically argue, nor does the record indicate, that termination of her parental rights was clearly not in the children's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *Hall-Smith, supra*. Thus, the family court did not err in terminating respondent's parental rights to the children. *Id.*

Affirmed.

/s/ William C. Whitbeck  
/s/ Stephen J. Markman  
/s/ Peter D. O'Connell

<sup>1</sup> The parental rights of the respondent fathers were also terminated by the family court order, but are not the subject of the instant appeal. Respondent Steven Kooy is the father of Cynthia; Paul Loar is the father of Bionca and Chandra; and Justin Cribb is the father of Jeremy and Austin.